

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M. on Wednesday, November 7, 2001.

PRESENT: Ted Dziurman
Rick Kessler
Bill Need
Rick Sinclair
Frank Zuazo

ALSO PRESENT: Mark Stimac
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 3, 2001.

Motion by Need
Supported by Nelson

MOVED, to approve the minutes of the meeting of October 3, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. BEVERLY COLWANDER, REPRESENTING ELF SHELF ARTS & CRAFT SHOW, for relief of Chapter 78 to place 75 off-site signs advertising a special event for a period of 8 days.

Mr. Stimac explained that the petitioner is requesting relief to place 75 off-site signs advertising the Elf Shelf Arts & Craft Show for a period of 8 days from November 18, 2001 through November 25, 2001. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4). Section 14.02 of the Sign Ordinance permits off-site signs to be in place for a maximum of seven (7) days.

Ms. Marilyn Johnson, representing Elf Shelf Arts & Craft show was present and stated that the reason they are requesting eight (8) days is because it is much easier for the persons responsible for putting out the signs to do it on a Sunday. Ms. Johnson went on to say that in November 2000 they had received a similar variance for 75 off-site signs for a period of 8 days and wished for the same request for this November.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There is one (1) written approval.

Mr. Need asked how many people are responsible for the signs and Ms. Johnson stated that they have a committee of eight. Ms. Johnson also said that they have always made sure that the signs were taken down the day after the Craft Show.

ITEM #2

Motion by Need

Supported by Kessler

MOVED, to grant Beverly Colwander, representing Elf Shelf Arts & Craft Show, relief of Chapter 78 to place 75 off-site signs advertising a special event for a period of 8 days from November 18, 2001 through November 25, 2001.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. AMERICAN FREIGHT, 205 PARK, for relief of Chapter 83 to install an electrically charged fence.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install an electrically charged fence at 205 Park. The site plan submitted indicates the placement of a 10' high electrically charged fence along the boundary lines of this property. Chapter 83, paragraph 3 prohibits the placement of this fence between the building line and the front property line along Park Street. Chapter 83, paragraph 4, also prohibits the use of an electrically charged fence.

Mr. Don Davis, Manager of American Freight, and Mr. Bill Mullis, representing Sentry Security Services, Inc. were present. Mr. Davis stated that his business has suffered from two break-ins within the past year and he felt that this fence would deter someone from entering the property. Mr. Davis went on to say that one of his drivers had discovered the second break-in while it was still in progress and called the police. Mr. Davis stated that someone had cut a hole in the back of the fence and pulled a stolen cube van on the property. Mr. Davis also said that Sergeant Zimmerman of the Troy Police Department had informed him that this van was stolen from a company in Kalamazoo, and the police believe that trucking companies have been targeted.

Mr. Mullis informed the Board that this system was being installed inside the existing fence line. Mr. Mullis went on to say that it is a 12-volt system, and since it is installed inside the existing perimeter fence there is no exposure to the general public. Mr. Mullis also said that there is a built-in alarm system and when the power is off for three seconds an alarm will go off and alert the company to the possibility of a break-in. Mr. Mullis pointed out that this property is located on a dead end street and that there is a buffer zone of grass and open fields on one side and the back of a small strip mall on the other. Mr. Mullis also said that there are posted signs every 50' which would warn people that there is an electrically charged fence.

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Mr. Need asked how close this fence would be to the existing fence and Mr. Mullis stated that it is installed within 6" of the existing fence. Mr. Mullis also said that the existing fence is 6' high with 3 strands of barbed wire at the top. Mr. Need then asked how the gate would be protected and Mr. Mullis stated that authorized personnel would have a code, which would deactivate the fence. Mr. Mullis went on to say that they do not have any false alarms with this system.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Chief Nelson asked if the petitioner had met with the Crime Prevention Bureau to determine if there were other options available. Mr. Davis stated that he had only spoken with Sergeant Zimmerman. Chief Nelson expressed concerns over safety issues regarding his personnel, if they were to be involved with fighting a fire in this location. Mr. Mullis assured him that he would be willing to work with him and if necessary provide a kill switch that the Fire Department would have access to.

Motion by Need
Supported by Nelson

MOVED, to postpone the request of American Freight, 205 Park, for relief of Chapter 83 to install an electrically charged fence until the next regularly scheduled meeting of December 5, 2001.

- To allow the petitioner the opportunity to contact the Crime Prevention Bureau to determine if there are other alternatives available.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MEETING OF DECEMBER 5, 2001
CARRIED

ITEM #4 – VARIANCE REQUEST. ALLIED SIGNS, INC., REPRESENTING BAHAMA BREEZE, 539 E. BIG BEAVER, for relief of Chapter 78 to install a wall sign, 60.4 square feet in size at 539 E. Big Beaver.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a wall sign 60.4 square feet in size. Section 9.02.03, D of the Sign Ordinance limits the size of a tenant wall sign to 20 square feet in size. The proposed sign exceeds the size of wall sign allowed.

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Mr. Jack Degargne, of Bahama Breeze and Mr. Bill Macrum, of Chandler Signs were present. Mr. Macrum stated that this sign is a registered trademark of Bahama Breeze and that since the sign consists of both upper and lower case letters, only three of the letters in the sign would exceed 15". Mr. Macrum went on to say that the size of the sign is limited due to the fact that the restaurant is attached to an office building. Mr. Dziurman asked what size of sign would be allowed if this were a free-standing building and Mr. Stimac stated that a wall sign could be 10% of the front face of the building, and in this case a 60.4 square foot size would be allowed however in this zoning district free standing restaurants are not permitted.

Mr. Dziurman then asked if this was neon sign and when it would be lit. Mr. Macrum stated it was a neon sign and would be put on a time clock. Mr. Degargne stated that the sign would remain on during the hours of operation.

The Chairman opened the Public Hearing.

Ms. Sandra Predium, 440 Hartland was present and stated that she objected to this variance. Ms. Predium went on to say that since the construction of this building began, she and her neighbors have had a great many problems with this development. Ms. Predium also said that she is very concerned about the noise from the restaurant and also was worried about the lights shining into her home. Ms. Predium indicated that she had attended the Liquor License meeting and at that time, Bahama Breeze had promised the residents that they would install extra trees in order to help keep the noise and light levels down. Ms. Predium stated that she has written them many letters, but has not received a response and the trees are still not planted. Ms. Predium also said that Mayor Matt Prior had asked Bahama Breeze to plant extra trees in order to keep the neighbors happy.

Mr. Zuazo asked if Ms. Predium had requested the extra trees to block off the parking lot lights and Ms. Predium stated that it was not only for the lights, but also for the noise. Mr. Degargne stated that he had been to the site, and he thought that the area behind the restaurant was heavily wooded. Ms. Predium stated that there were a number of trees that were removed during the construction and thus feels that the extra plantings are necessary. Ms. Predium also said that that the commitment made by Bahama Breeze could not be put in writing at the Liquor License hearing, but this commitment was made verbally.

Chief Nelson asked if the City had a standard regarding how much light is permitted, and Mr. Stimac stated that it does, and he would have the lighting checked by Building Department personnel to determine that it is compliance with the Ordinance.

Mr. Need stated that he was concerned about the relationship of Bahama Breeze with the neighbors and felt that provisions should be made to make sure that Bahama Breeze honors the commitment they made. Mr. Degargne stated that he has the

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authority to state that Bahama Breeze will honor this commitment and he will make sure that these extra trees are planted.

Mr. Joe Perazza, owner of the office building was present and he stated that he can remember that Bahama Breeze had made a commitment to the neighbors to plant the trees and that is was stated at the Liquor License hearing that a Temporary Certificate of Occupancy would not be issued until these trees were planted.

Motion by Kessler
Supported by Need

MOVED, to grant Allied Signs, Inc., representing Bahama Breeze, 539 E. Big Beaver, relief of Chapter 78 to install a wall sign, 60.4 square feet in size.

- Petitioner will plant between 10 and 15 evergreen trees, 12 to 14 feet tall along the back of the property.
- Petitioner will meet with neighbors and go over landscape designs.
- Building Department personnel will determine that lighting is in compliance with the guidelines in the Ordinance.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 A.M.

MS/pp